IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 68 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CHUNILAL RAMJIBHAI - Applicant(s)

Versus

POAPTBHAI DAMAJIBHAI SOLANKI - Opponent(s)

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Appearance :

MR MAULIK J SHELAT for Applicant(s) : 1,
RULE SERVED for Opponent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 16/02/2006

ORAL JUDGMENT

1. This revision application is filed by the landlord – plaintiff challenging the reversal of eviction decree passed by the trial court. The decree for eviction was passed on three grounds but then the same is confirmed on

one ground whereas on other two grounds, it is reversed. The learned advocate appearing for the petitioner – landlord submitted that as the revision filed by the tenant is dismissed by this court and the decree for eviction is upheld, he does not press this revision application at this stage. He submitted that liberty may be reserved to revive this revision in case of difficulty. He submitted that to be more precise, in case, the defendant approaches the higher forum and there the concurrent findings recorded by the courts below, confirmed by this court on the point of arrears of rent is disturbed, the landlord should not be rendered remedyless and at that time he should be allowed to agitate the grounds seeking eviction decree.

2. Shri Shelat, the learned advocate for the petitioner submitted that in view of the aforesaid fact and situation, Civil Application NO.2135 of 2005, filed seeking direction against the tenant to place on record the additional evidence, in the form of a sale deed executed with Kasambhai Umarbhai Khokhar dated 12-8-2004 with the wife of the opponent – tenant, whereby property situated at 50/4, Ganesh Ni Chali, Vasna, Muktampura, Ahmedabad to bring on record that the tenant has acquired

additional accommodation than the one which was pleaded in the plaint, is also not pressed at this stage. The revision application No.68 of 2004 and Civil Application No.2135 of 2004 are disposed of as not pressed at this stage. Rule discharged with no order as to costs.

(RAVI R. TRIPATHI,J.)

shekhar/-